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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,366	03/20/2006	Yukio Kadomoto	2005_1954A	4110
513 7590 11/10/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER				
HARCOURT, BRAD				
ART UNIT		PAPER NUMBER		
3676				
MAIL DATE		DELIVERY MODE		
11/10/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,366

Applicant(s)

KADOMOTO ET AL.

Examiner

Brad Harcourt

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 04 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In view of the Appeal Brief filed on August 4, 2009, PROSECUTION IS HEREBY REOPENED. The new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Jennifer H Gay/

Supervisory Patent Examiner, Art Unit 3676

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke et al. (US Patent No. 6,105,692) in view of Pickard (US Patent No. 3,120,282).

Clarke discloses a remote operation wire line core sampling device comprising:

a water swivel assembly 36;

a drill rod 22 or 24 coaxially connected to said water swivel assembly 36;

an over-shot assembly 34 for grasping an upper end portion of said inner tube assembly, wherein said water swivel 36 assembly includes an upper water input port 68 at an upper position of said water swivel assembly 36, said upper water input port 68 adapted to allow pressurized fluid into said water swivel assembly 36, and a lower water input port 46 at a lower position of said water swivel assembly 36, said lower water input port 46 adapted to allow pressurized fluid into said water swivel assembly 36, and

wherein said water swivel assembly 36 accommodates said over-shot assembly 34 at an intermediate position thereof between said upper water input port 68 and said lower water input port 46 such that the pressurized fluid is supplied from said upper water input port 68 to lower said overshot 34 assembly through said drill rod 22 or 24.

Clarke discloses using the overshot 34 to retrieve an inner tube assembly (col. 3, line 57) but does not disclose the specifics of the inner tube or core barrel. Pickard discloses a wireline core bit comprising water swivel 20; drill rod 10; core barrel 37; inner tube 30; overshot assembly 125 that "is hydraulically propelled towards the core barrel inner tube assembly which is to be withdrawn" (col. 10, lines 49-50); drill chuck 17 to grab and rotate the drill string. It would have been obvious to a person having ordinary skill in the art at the time of the invention to use a core barrel and inner tube

assembly in the system of Clarke in view of Pickard so that a core sample can be retrieved from the wellbore.

In reference to claim 4, Clarke discloses a drill head portion of a core drill capable of being used in a sea-bottom application;

a chuck 28 rotatably mounted to said drill head portion for grasping said drill rod 22 or 24; and

a mechanism (see Fig. 1) for lifting said drill head portion, while said drill rod 22 or 24 is retained in a hole 16, for extracting said over-shot assembly 34 (with the inner tube of Pickard) through said drill rod 22 or 24.

In reference to claim 5, the upper and lower water supply ports 68 and 46 are located in a side wall of the water swivel assembly.

In reference to claim 6, the internal passage of water swivel 36 is perpendicular to the upper and lower water supply ports 68 and 46.

Response to Arguments

Applicant's arguments with respect to claims 3-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brad Harcourt whose telephone number is (571)272-

7303. The examiner can normally be reached on Monday through Friday from 8:30 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer H Gay/
Supervisory Patent Examiner, Art
Unit 3676

BH
11/07/09